

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GABRIELA SANTANA,

Civil Action No.:

Plaintiff,

-against-

COMPLAINT

CREDIT BUREAU OF NAPA COUNTY, INC.,
-DBA- CHASE RECEIVABLES,

Defendant(s),
-----X

DEMAND FOR JURY TRIAL

13 CV 6680
JUDGE KARAS

Plaintiff GABRIELA SANTANA ("Plaintiff"), by and through her attorneys, M.

Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant

CREDIT BUREAU OF NAPA COUNTY, INC. -DBA- CHASE RECEIVABLES,

(hereinafter referred to as "Defendant(s)"), respectfully sets forth, complains and

alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on her own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff GABRIELA SANTANA is a resident of the State of New York, residing at 13 Roosevelt Drive, West Haverstraw, New York 10993-1013.

3. Defendant CREDIT BUREAU OF NAPA COUNTY, INC. is a California corporation with an office at 1247 Broadway, Sonoma, California 95476 and has a office in New York with an address at 22 Saw Mill River Road, Hawthorne, New York

10532.

4. Plaintiff is a "consumer" as defined by the FDCPA, 15 USC § 1692 a (3).

5. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

JURISDICTION AND VENUE

6. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

8. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "7" herein with the same force and effect as if the same were set forth at length herein.

9. Upon information and belief, Defendant, on behalf of a third-party, began efforts to collect an alleged consumer debt from the Plaintiff.

10. On July 15, 2013, Defendant placed a telephone call to mobile telephone number 845 461 8508 and left a voice message.

11. The voice message of July 15, 2013 identified the caller as a debt collector seeking Plaintiff and requested a return telephone call to 866 855 3970.

12. The mobile telephone number which Defendant called on July 15, 2013 and at which the aforementioned information was left, belongs to Yasmine Santana, Plaintiff's sister.

FIRST CAUSE OF ACTION ***(Violations of the FDCPA)***

13. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "12" herein with the same force and effect as if the same were set forth at length herein.

14. 15 USC §1692c(b) prohibits a debt collector from disclosing to a third party without permission from the consumer that the consumer is being contacted by a debt collector concerning a debt.

15. The Defendant violated 15 USC §1692c(b) by communicating to the Plaintiff's sister that the Plaintiff was being contacted by a debt collector.

16. As a result of Defendant's neglect and carelessness in leaving a telephone message on a voice mail belonging to a third party using Plaintiff's name and debt collection disclosures, Plaintiff suffered shame and embarrassment and according to 15 USC §1692k(a)(1), Defendant is liable to Plaintiff for damages sustained because of Defendant's failure to comply with §1692 et seq. of Title 15 of the United States Code (the FDCPA) and other violations of the FDCPA.

DEMAND FOR TRIAL BY JURY

17. Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment from the Defendants as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k (a) (1);
- B. For statutory damages provided and pursuant to 15 USC §1692(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant


to 15 USC § 1692(a)(3);

E. A declaration that the Defendant's practices violated the FDCPA;

F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
September 17th, 2013

Respectfully submitted,

By: 
M. Harvey Rephen, (MR3384), Esq.
M. HARVEY REPHEN & ASSOCIATES, P.C.
708 Third Avenue, 6th Floor
New York, New York 10017
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Facsimile: (212) 330-7582
Attorney for the Plaintiff GABRIELA SANTANA

To: Chase Receivables
22 Saw Mill River Road
Hawthorne, New York 10532

(Via Prescribed Service)

Clerk,
United States District Court, Southern of New York
(For Filing Purposes)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO.:

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Plaintiff,

-against-

CHASE RECEIVABLES,

Defendant(s).

COMPLAINT

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